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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,030	09/15/2003	Jeffrey S. Collins	5887-313U1	2536

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AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER

BOND, CHRISTOPHER H

ART UNIT	PAPER NUMBER
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3709

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/663,030

Applicant(s)

COLLINS, JEFFREY S.

Examiner

Christopher H. Bond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/15/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/15/2003, 1/7/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The Information Disclosure Statement filed on September 15, 2003 and January 7, 2005 has been acknowledged.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-5, 8-12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidel et al., USPAT 5,342,047 (Heidel) in view of Malick, USPAT 4,669,694 (Malick).**

3. As to claims 1 and 8 Heidel discloses (abstract), "...video lottery terminals that employ touch screens to permit a number of different games to be played on the same machine, the play of certain games can be improved by using electromechanical game buttons in conjunction with touch screen controls." Heidel further discloses (column 1, lines 52-56), "...[the] video gaming machine that is capable of playing a number of different games on a touch screen [Fig. 1, 12] with a number of game control buttons located [Fig. 1, 32, 36, 38, etc.] on the machine housing [Fig. 1, 14] that can be used along with or instead of the touch screen [Fig 1., 20, 22, 24, 26, 28, 30, etc.] to control at least one of the games." (This is equivalent to the applicant's limitation of having a touch screen amusement device comprising a display housing, a touch screen display

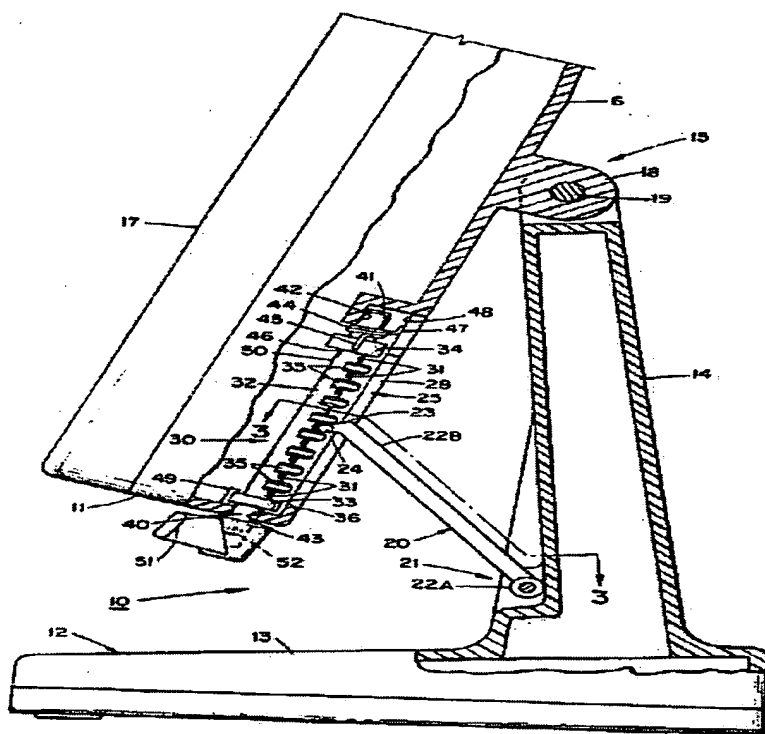
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within the display housing, a controller within the display housing which is coupled to the touch screen display and configured to control an electronic game.)

4. Heidel however fails to explicitly disclose a rear-mounted support stand configured to receive and support the display housing.

5. Malick discloses (abstract) an, "Apparatus for adjusting the tilt angle of a flat display panel..."

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6. The advantages of using this apparatus—that is to say, the rear mounted support stand—Malick writes (column 1, lines 21-30) is that, "...advances in technology allow the bulky cathode ray tube to be replaced by devices which are much lighter and require less space, such as plasma display devices. The plasma and other flat devices may be installed in a housing unit which is essentially flat and does not have the weight

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distribution normally found in a cathode ray tube display device. Consequently, the various mounting devices devised for cathode ray tube structures provide no benefit for position of the flat screen.”

7. This is evidence that one of ordinary skill in the art would find a reason/motivation/suggestion to use a rear mounted support stand to support a flat screen device, as it provides a better support and positioning.

8. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Heidel with the rear mounted support stand as described by Malick for better support and positioning of the screen.

9. Accordingly, claims 1 and 8 would have been at least obvious.

10. As to claims 2-4, 9-12, and 18, Heidel discloses (column 2, lines 66-68) that, “The video lottery terminal...includes a coin acceptor...[and] a bill acceptor...” Heidel further discloses (column 6, lines 3-7), “...control means; including a memory containing a plurality of games, responsive to...game control buttons and machines control buttons for controlling the gaming machine...” (This further meets the applicant’s limitation of having a memory storage device disposed within the display housing for storing system control software and electronic games.)

11. Heidel in view of Malick discloses the claimed invention except for: the rear-mounted support stand is configured to receive one of a coin acceptor, paper currency acceptor, and a card reader, wherein the coin acceptor is located in the top section of the rear-mounted support stand, and the paper currency acceptor having an acceptance slot located in a bottom front facing section of the rear-mounted support stand. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to include these parts on the rear mounted support stand as a matter of design choice, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

12. Accordingly, claims 2-4, 9-12, and 18 would have been at least obvious.

13. As to claim 5, Heidel in view of Malick disclose the claimed invention except for the limitation wherein the display housing is selectively removable from the rear-mounted support stand. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the display housing removable for mounting the display housing in an alternative location or on a reduced footprint, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

14. **Claims 6, 7, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidel in view of Malick, and further in view of Kaminkow et al., US PUB 2004/0023708 (Kaminkow).**

15. What is disclosed in Heidel and Malick is discussed above and incorporated herein.

16. As to claims 6 and 7, Heidel in view of Malick discloses the claimed invention except for a touch screen device wherein the display is either a flat screen display or a liquid crystal display. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a flat screen display or liquid crystal display (LCD), as they are less bulky and lighter than CRT displays. It was notoriously well known in

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the art at the time invention that flat screen displays and LCDs were being employed in touch screen gaming devices, for example, Kaminkow discloses a gaming device (paragraphs [0026] and [0028]) where the, "Gaming device...also includes one or more display devices...A display device can be any viewing surface such as glass, a video monitor or screen, a liquid crystal display or any other display mechanism...In certain instances it is preferable to use a touch screen...and an associated touch screen controller...instead of a conventional video monitor display device." Furthermore, it is notoriously well known that an LCD is a type of flat screen display device, and meets the applicant's limitation of having a touch screen display with either a flat screen display or LCD display.

17. Accordingly, claims 6 and 7 would have at least been obvious.

18. As to claims 13 and 17, Kaminkow discloses (paragraph [0023]) that in addition to a coin slot and bill acceptor, "Other devices could be used for accepting payments such as readers or validators for credit cards or debit cards."

19. Heidel in view of Malick and further in view of Kaminkow discloses the claimed invention except for: the rear-mounted support stand is coupled to a card reader or has a card reader located on the front facing section of the rear-mounted support. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include these parts on the rear mounted support stand as a matter of design choice, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

20. Accordingly, claims 13 and 17 would have at least been obvious.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H. Bond whose telephone number is (571)-272-9760. The examiner can normally be reached on 8:30am - 5pm, M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur Chowdhury can be reached on (571) 272-2287. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher H Bond
Examiner
Art Unit 3709

CHB
CHB



THAO X. LE
PRIMARY PATENT EXAMINER